

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

JASON DAVID BROWN,)
LASZLO BOZSO, and)
MERIS DUDZIC, individually and on)
behalf of others similarly situated,)

Plaintiffs,)

vs.)

LOWE'S COMPANIES, INC., and)
LEXISNEXIS SCREENING)
SOLUTIONS, INC.,)

Defendants.)

Case No. 5:13-cv-00079-RLV-DSC

**Joint Motion to Stay Briefing and Ruling on
Plaintiffs' Motion for Class Certification and Brief in Support**

Plaintiffs and Defendants jointly move the Court to stay briefing and any ruling on Plaintiffs' pending Motion for Class Certification [Doc. No. 28] to allow first for resolution of Defendants' pending motions to dismiss [Doc. Nos. 31 & 33] and completion of class-related discovery.

Plaintiffs filed their Motion for Class Certification on July 8, 2013. In their Memorandum of Law in support of the motion, Plaintiffs advise the Court that they filed their motion earlier than usual in an effort to prevent a Rule 68 offer of judgment from mooted Plaintiffs' class claims. [Doc. No. 28-1 at p. 2.] Plaintiffs then ask the Court to stay its ruling on the Motion for Class Certification until the

parties can complete class-related discovery, at which time Plaintiffs would expect to file an amended motion based on evidence they hope to develop in discovery. Defendants' responses to Plaintiffs' Motion for Class Certification are due on Monday, July 22, 2013.

Subsequent to Plaintiffs' filing of its Motion for Class Certification, Defendant Lowe's Companies, Inc. filed its Motion to Dismiss Count One of Plaintiffs' Original Class Action Complaint with Prejudice [Doc. No. 31], and Defendant LexisNexis Screening Solutions, Inc., n/k/a First Advantage LNS Screening Solutions, Inc., filed its Motion to Dismiss [Doc. No. 33] (collectively, "Defendants' Motions to Dismiss"). Plaintiffs and Defendants (collectively, the "Parties") show the Court that resolution of Defendants' Motions to Dismiss may alter Plaintiffs' class claims and/or the composition of one or more of the putative classes, thereby mooting some or all of Plaintiffs' pending Motion for Class Certification. The Parties show the Court further that parties customarily are allowed to conduct class-related discovery before the defendants are required to respond to motions for class certification, as such discovery often has a significant impact on the parties' arguments and evidentiary proffers in favor of, and opposed to, class certification.

Accordingly, the Parties jointly request that the Court stay all briefing on Plaintiffs' Motion for Class Certification, and stay any ruling on the motion, until after (a) the Court has ruled on Defendants' pending Motions to Dismiss, and (b) the Parties have had an opportunity to conduct class-related discovery according to the deadlines that will be set out in the Court's forthcoming Scheduling Order. A proposed Consent Order granting this Motion to Stay Briefing and Ruling on Plaintiffs' Motion for Class Certification is attached hereto as Exhibit "A."

This 16th day of July, 2013.

/s/ Brett E. Dressler

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Certificate of Service

I hereby certify that on July 16, 2013, I electronically filed the foregoing Joint Motion to Stay Briefing and Ruling on Plaintiffs' Motion for Class Certification and Brief in Support with the Clerk of the Court using the CM/ECF system, which sent notification of such to the following counsel of record:

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On this day, I also served the following via First Class U.S. mail in postage-prepaid, self-addressed envelopes as follows:

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This 16th day of July, 2013.

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